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In re Application of : **DECISION ON PETITION**
Jaeho Kim :
Application No. 10/802,001 :
Filed: 03/16/2004 :
Attorney Docket No. GUID.004C1 :
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This is a decision on the Petition Under 37CFR 1.81 (MPEP 711.03 (c)) To Withdraw Holding of Abandonment, received in the United States Patent and Trademark Office (USPTO) January 28, 2008.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed August 16, 2007 which set forth a three (3) month statutory period for reply. The issue fee transmittal was received on November 16, 2007 but Deposit Account # 50-3581 had insufficient funds to charge the required fees. Accordingly, the Notice of Abandonment was mailed on December 12, 2007.

Petitioner states that the Issue Fee was timely filed with the Office on November 16, 2007. Petitioner further states that while Deposit Account #50-3581 did have insufficient funds to charge the fee, the insufficiency was due to erroneous charges made against the account by the USPTO. In support of this, Petitioner submitted a copy of a letter received in the office on January 28, 2008 requesting correction of several erroneous charges. These erroneous charges took place between October 22, 2007 and November 23, 2007 in the amount of \$2,330.00. Petitioner states that if the erroneous charges were not made, the Issue fee and Publication fee totaling \$2000.00 would have been appropriately charged.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status.

The application will be forwarded to the Publications Branch for processing.

Telephone inquiries relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.


Kimberly Terrell, Manager
Office of Data Management
Publications Branch